

IN THE DISTRICT COURT OF RILEY COUNTY, KANSAS

BOARD OF COMMISSIONERS OF RILEY  
COUNTY, KANSAS,

Plaintiff,

vs

Gordon L. Anresen, et al.

Case No. 16-CV-000104  
Division II

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#### **LIENHOLDERS**

<b>City of Manhattan</b>	<b>152, 355</b>
<b>First National Bank of Wamego</b>	<b>103</b>
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Their unknown heirs, executors, administrators, devisees, trustees, creditors and assigns of any deceased defendant or any person alleged to be deceased; and

The unknown executors, guardians, conservators and trustees of such of the above named defendants who are minors or are in any way under legal disability; and

The unknown executors, administrators, devisees, trustees, creditors, successors and assigns of such defendants as are or were partners or in partnership; and

The unknown officers, executors, administrators, trustees, creditors, successors, receivers and assigns of any of the above-named defendants who are or were existing, dissolved or dormant corporations; and

The unknown spouses of the defendants, and all other persons concerned,

#### **Defendants.**

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**AMENDED PETITION  
PURSUANT TO CHAPTER 60 AND 79 OF THE KANSAS STATUTES ANNOTATED**

COMES NOW the plaintiff and, for its cause of action against the defendants alleges:

1. Plaintiff is a body politic and corporate, and is a duly organized and existing county of the State of Kansas. A resolution, heretofore adopted by plaintiff pursuant to K.S.A. 79-2801, as amended, is attached hereto, marked "Exhibit A" and made a part hereof by reference, authorized the institution of this proceeding to foreclose tax liens against real property in Riley County, Kansas. The real property and liens are more specifically described in Amended Exhibit B attached hereto and made a part hereof by reference. Riley County claims a first and prior lien upon said real estate. Other lienholders shown of record are listed under "Judgment/Liens" in "Amended Exhibit B."

2. Plaintiff is exempt from depositing court cost or paying docket fees pursuant to K.S.A. 60-2005.

3. Plaintiff further alleges that it has diligently inquired as to the residences and whereabouts of the defendants herein and, except as set forth in the caption hereof, is unable to state the residences and whereabouts of the defendants, and each of them, or whether any of them are dead, and, if they or any of them be dead, plaintiff is unable to ascertain the names, residences, whereabouts and identity of the heirs, executors, administrators, devisees, trustees, conservators and assigns of such defendants. Upon diligent inquiry plaintiff is unable to ascertain whether the defendant corporations named herein are domestic or foreign corporations, nor their legal status, nor whether they continue to have legal existence and officers, nor the names and whereabouts of the successors, trustees or assigns, if any, of such corporations as may be dissolved. All of the defendants herein named, and those claiming under or through them, should be required to appear herein, so that all claims, estates, titles and interest may be determined by the decree of this Court and so that the tax lien therein to be foreclosed may be adjudged

a good, valid and perfect first and prior lien upon each tract, lot or piece of real estate described herein, for the taxes, together with interest, charges, penalties and costs thereon.

4. All requirements of law pertaining to assessment, levy, taxation, publication and the proof thereof, sale and purchase in the name of the plaintiff as prescribed by K.S.A. 79-2301, *et seq.* and every other legal condition precedent to judicial foreclosure of the tax liens, have been performed and satisfied. The taxes have not been paid as required by law; and all of the described real estate is subject to foreclosure and sale for delinquent taxes.

5. The caption of the Petition is incorporated herein and made a part hereof by reference. The persons named as defendants therein are the owners and supposed owners, and persons other than plaintiff having or claiming to have an interest in the lands described, so far as plaintiff is able to ascertain, but the exact nature of such ownership and interest is unknown to plaintiff.

6. "Amended Exhibit B" is a schedule containing information pertinent to this proceeding and is attached hereto, incorporated herein and made a part hereof by reference. Each tract, lot and piece of real estate intended to be included in this foreclosure proceeding is described as a separate item upon "Amended Exhibit B" and has been given a separate item number.

7. Said lands described in "Amended Exhibit B" are all in Riley County, Kansas. All of the descriptions used in "Amended Exhibit B" are intended to indicate with ordinary and reasonable certainty the real estate intended to be included in this foreclosure proceeding. "Amended Exhibit B" also contains a statement of the taxes, charges, interest and penalties chargeable to each tract, lot or piece of real estate respectively as of May 26, 2016. Each lot, tract or piece of real estate described in said "Amended Exhibit B" is delinquent for the payment of taxes, charges, interest and penalties allowed by law for the years and in the dollar amounts indicated upon each item respectively as of May 26, 2016. Said "Amended Exhibit B" shows the names of the owners, supposed owners and parties having or

claiming to have any interest in the real estate and the year such property was sold for delinquent taxes under the provisions of K.S.A. 79-2302.

8. Each tract, lot or piece of real estate described in "Amended Exhibit B" is also subject to charges occasioned by this foreclosure proceeding and to an equitable proration of the costs of this proceeding to be fixed and determined by the court.

9. The plaintiff's lien is for unpaid taxes on the real estate in question and is a first and prior lien to the liens and claims of all of the defendants including the unknown members of the classes set forth in the caption. Plaintiff is unable to allege in greater detail the nature or extent of the claims of any of the defendants, and is unable to allege which, if any, of the defendants may be dead, and which, if any, of the corporate defendants may be dissolved, and in the event of such death or dissolution, the plaintiff is unable to allege the names of the heirs, executors, administrators, devisees, trustees, conservators and assigns, if any, of the defendants or the successors, trustees and assigns of any dissolved corporations, or the whereabouts of any of said persons, except as alleged herein. Plaintiff respectfully requests that each defendant and those claiming under or through any of the defendants herein, be required to appear in this cause and to assert what interest, if any, they or any of them have or claim to have in and to any of the real estate described herein so that all claims, estates, interest and titles may be determined by the decree of this Court and so that the plaintiff's tax lien herein may be foreclosed against each tract listed on "Amended Exhibit B" and adjudged to be a good, valid and perfect first and prior lien upon each tract.

10. To the extent any of the real property subject to this foreclosure proceeding also bears one or more personal property tax judgment liens, plaintiff claims an additional lien therein. In the event of judicial sale, the priority of any such lien or liens should be determined by the Court and distribution of sale proceeds had in accordance with the priority established by law.

11. The defendant, United States of America, is a sovereign nation and has consented to be sued in actions of this nature by 28 U.S.C. 2410. Further, the United States has a federal tax lien interest in tracts identified and described in "Amended Exhibit B" as follows:

A. Tony E. and Kimberly J. Hill

Residence: 465683 E. 1082 Road  
Sallisaw, OK 74955  
Property: 1604 Green Valley Drive  
Manhattan, KS 66502 (Item #103)  
Filed By: Small Business/Self Employed  
Area #4 (Serial #897475412)  
Date/Place: October 11, 2012  
Riley County, KS

B. Robert W. Ruffle

Residence: 11124 Lakeview Drive  
Manhattan, KS 66503  
Property: Same as residence (Item #323)  
Filed By: Wage & Investment  
Area #2 (Serial #869916512)  
Date/Place: June 5, 2012  
Riley County, Kansas

C. Todd A. Scheidt

Residence: 2411 Buttonwood Drive  
Manhattan, KS 66502  
Property: Same as residence (Item #326)  
Filed By: Small Business/Self Employed  
Area #4 (Serial #612600510)  
Date/Place: January 12, 2010  
Riley County, Kansas

D. Todd A. Scheidt

Residence: 2411 Buttonwood Drive  
Manhattan, KS 66502  
Property: Same as residence (Item #326)  
Filed By: Small Business/Self Employed  
Area #4 (Serial #116099714)  
Date/Place: September 3, 2014  
Riley County, Kansas

12. The defendant, State of Kansas, Secretary of Department for Children and Families, f/k/a Department of Social and Rehabilitation Services, has a tax warrant interest in tracts identified and described in "Amended Exhibit B" as follows:

A. Gyle D. Springer

Residence: 518 Vattier Street  
Manhattan, KS 66502  
Property: Lots 12, 13, 14, 15, 18, 19, 26, 27, 31, 32, 33, 34 and 36 Springer  
Addition, Unit Two, Ogden, Kansas (Item #330 thru 342)  
Filed By: Kansas Department of Revenue (13-ST-25)  
Date/Place: February 1, 2013  
Riley County, Kansas

B. Darrell and Lisa Schurle

Residence: 106 N. Kansas Avenue  
Leonardville, KS 66559  
Property: Same as residence (Item #327)  
Filed By: Kansas Department of Revenue (11-ST-93 and 11-ST-94)  
Date/Place: September 9, 2011  
Riley County, Kansas

13. The defendant, City of Manhattan, Kansas, has a special assessment interest in tracts identified and described in "Amended Exhibit B" as follows:

A. Jacquelyn S. Reed

Residence: 12082 First View Drive  
Oldsburg, KS 66520  
Property: 2024 Browning Avenue  
Manhattan, KS (Item #152)  
Filed By: City of Manhattan, Kansas  
Date/Place: June 19, 2015  
Riley County, Kansas

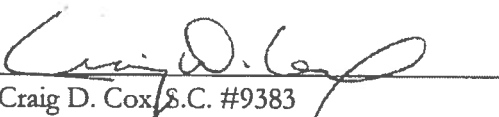
B. Bill Wisdom

Residence: 1900 Westbank Way  
Manhattan, KS 66503  
Property: 000 Westbank Way  
Manhattan, KS (Item #355)  
Filed By: City of Manhattan, Kansas  
Date/Place: June 10, 2015  
Riley County, Kansas



14. Plaintiff is entitled to a decree of this Court determining the amount of taxes, charges, interest and penalties chargeable to each particular tract, lot and piece of real estate in such amount as the Court shall determine; to a judgment for costs herein equitably apportioned against each tract, lot and piece of real estate; to a judgment for charges herein; for a judgment determining the owner or parties having an interest herein; to a decree adjudging the amount so found to be due to be a first and prior lien upon each item of real estate described upon "Amended Exhibit B"; for a judgment determining the amount and priority of liens for personal property taxes; for an order directing that each item of real estate described upon "Amended Exhibit B" be sold at public sale for the satisfaction of each lien; and for other necessary relief.

WHEREFORE, plaintiff prays that the Court determine the amount of taxes, charges, interest and penalties chargeable to each particular tract, lot or piece of real estate described herein; the name of the owner or party having an interest therein; that the Court adjudge and decree the amount due to be a first and prior lien upon the real estate; that the Court adjudge and decree the amount and priority of liens upon the real estate for personal property taxes; that each defendant be required to appear and establish their claim, estate, title or interest in said property; that the same be sold at public sale for the satisfaction of the lien, costs, charges and expenses of the proceedings and sale; and for such and further relief as the Court deems just and equitable in the premises.

  
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